

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JANE DOE,) Case No.: 1:20-cv-01544-BAK (EPG)
Plaintiff,)
v.) ORDER GRANTING DEFENDANT COUNTY OF
KERN COUNTY SHERIFF’S OFFICE, et al.,) KERN’S REQUEST FOR ADDITIONAL TIME TO
Defendants.) DEPOSE NON-PARTY JUSTIN MCGEE
(ECF No. 40)

On March 23, 2022, Defendant County of Kern filed a motion for the Court to issue an order to show cause why a contempt citation should not issue to non-party Justin McGee for his failure to comply with the deposition subpoenas. (ECF No. 32). The Court did so on April 13, 2022. (ECF No. 37). Justin McGee failed to respond. Accordingly, on May 18, 2022, the Court ordered that Defendant County of Kern file a response indicating whether the deposition has been rescheduled and specifying the sanctions that are being requested. (ECF No. 39).

On June 1, 2022, Defendant County of Kern responded that it was able to contact and schedule a deposition with Mr. McGee. (ECF No. 40 at 1). Defendant indicates that a few hours prior to the deposition, Mr. McGee contacted the County and informed it that he had been throwing up all morning and would not appear at the deposition. (*Id.* at 2). Defendant reports that “[b]ased on Mr. McGee’s prior representations regarding his pancreatitis, the County has no reason to believe Mr. McGee was attempting to avoid his deposition,” and “due to his illness, the County does not believe

1 that an order for monetary sanctions would effectively motivate Mr. McGee to participate in his
2 deposition at this time.” (*Id.*) The County requested the Court for an additional 30 days to depose Mr.
3 McGee. (*Id.*)

4 Accordingly, good cause having been shown, the Court grants the County’s request. By **July**
5 **15, 2022**, Defendant County of Kern shall file a response indicating whether the deposition has been
6 rescheduled and, if applicable, specifying the sanctions that are being requested, along with any legal
7 authority for such sanctions. Note that the Court may issue findings and recommendations to the
8 district judge, depending on the nature of the sanctions being requested.

9
10 IT IS SO ORDERED.

11 Dated: **June 17, 2022**

12 /s/ Eric P. Grogg
13 UNITED STATES MAGISTRATE JUDGE
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28